



U.S. Army Corps  
of Engineers ®  
Charleston District

## Section 1135 – Aquatic Ecosystem Restoration

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### What is it?

Section 1135 gives the U.S. Army Corps of Engineers the authority to modify the structures or operations of Corps projects to improve the quality of the environment or to implement measures to restore ecosystem that has been degraded as a result of the construction and/or operation of Corps or joint Corps/other Federal agency projects.

### Who can apply?

Any non-Federal government entity can serve as the Sponsor for a Section 1135 project. In some cases, non-government agencies may serve as Sponsors. All it takes is a simple request to the local Corps office and a representative will discuss your problem with you and let you know if you qualify for the program. Section 1135 projects cannot be implemented to fulfill existing Sponsor mitigation commitments.

### What does it cost?

- The initial Preliminary Restoration Plan (PRP) cost of \$10,000 is paid 100% by the Federal Government. This document establishes whether a Federal interest exists in continuing the study.
- All feasibility phase expenditures, including plans and specifications, are initially funded at Federal expense, but are recouped at the beginning of construction at a cost shared rate of 75% Federal, 25% Sponsor. The Sponsor may contribute 100% of their share of the feasibility costs as in-kind services.
- There is a spending cap of \$5 million of Federal expenditure per Section 1135 project.

### How long does it take?

A Section 1135 study can take one of two paths. The PRP is completed typically in 6 months. If it is determined from estimates that the Federal expenditure will exceed \$1 million, an Environmental Restoration Report (ERR) must be completed and submitted for project approval. This takes approximately one year. Once approved, the six months plans and specifications phase can be completed. If the Federal cost is estimated to be under \$1 million, then a combined feasibility phase taking approximately 12 months will be completed using a Planning and Design Analysis (PDA) report. Regardless of reporting path, the feasibility study includes all alternatives analysis, design work, NEPA compliance and benefit-cost analysis. Construction time varies depending on the project being implemented.